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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,325	03/26/2004	David M. Feyler		8228

7590 09/13/2007  
David M. Feyler  
20 Baker Street  
Westwood, MA 02090

EXAMINER
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YALEW, FIKREMARIAM A

ART UNIT	PAPER NUMBER
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2136

MAIL DATE	DELIVERY MODE
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09/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/809,325

Applicant(s)

FEYLER, DAVID M.

Examiner

Fikremariam Yalew

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8 and 12-14 is/are rejected.
- 7) ☐ Claim(s) 5, 9-11 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-15 have been examined.

#### ***Claim Objections***

2. Claims 1-2,5-6,8,14-15 are objected to because of the following informalities:  
Only one period at the end of the claim is needed. Appropriate correction is required.

3. Claims 5, 9-11,15 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim, the claims are not properly written.  
Appropriate correction is required. See MPEP § 608.01(n). Accordingly, the claims 5,9-11,15 not been further treated on the merits.

4. Claim 3 is objected to because of the following informalities: In claim limitation line 1 "imbedded information" should change to embedded information. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Regarding claims 1-2,6,14 the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
7. Claims 1-15 are recites the limitation "the imager housing.... the host device.... the data..... the 2d imager.....the ID...." in claim 1. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.
8. Claims 4,7,8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terms "what ever duration of time", "in many lds today", "it is always on" makes the claim indefinite. Appropriate correction is required.
9. Claims 1-15 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-4,6-8,12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Brundage et al (hereinafter referred as Brundage) US 2007/0016790 A1.

12. As per claim 1: Brundage discloses a method of validation of a Drivers License, Identification card, liquor ID, Government ID, Corporate ID, or any ID that has information embedded on it. Where a UV LED board will light up any hidden security feature embedded in any of the ID mentioned above. Where within the imager housing is firmware with a command that can be sent to it by the host device to turn on the UV LEDS for any duration of time set forth by the host device software application. The data being sent to the host device to turn on the UV LEDS can be sent by the 2d Imager, magnetic card reader, smart card reader or keyed entry (See 0233-0234, 0245 and Figs 4,5 and abstract ).

13. As per claim 2: Brundage discloses a method wherein reading the embedded information on an ID with a 2D Imager, magnetic strip reader, smart card reader or keyed entry. The information to be displayed on the host terminal with any or all-pertinent information embedded within the ID. Example of pertinent information "Age, Town, State, expiration, date of issue, height, weight, hair color, sex, eye color, drivers classification, name, address (See Fig 4).

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14. As per claim 3: Brundage discloses a method wherein not only reading the ID imbedded information but a method of illuminating the Hidden UV security if the ID has one (See 0233 and Fig 4).

15. As per claim 4: Brundage discloses a method wherein after the imager has read the data and the host device is sending the signal back to the 2d imager to turn on the the UV LED board for what ever duration of time set forth in the software application (See Fig 3A).

16. As per claim 6: Brundage discloses a method of validating an ID described in claim 1, by adding a command that can be sent from the host device to the UV2D imager to turn on its UV LED board. License Jurisdiction is an example of a trigger that will send the command to turn on the UV LEDs. Dates of issue in conjunction with Jurisdiction can also be used as the trigger to send the command to signal the UV2D imager to turn on the UVLEDs. Any pertinent information within the ID can be used as the trigger for the command to be sent (See 0233,0245 and Figs 4,5)

17. As per claim 7: Brundage discloses a method of claim 1, in validating an Id where in using an 8x loupe or greater to read the micro printing that is embedded in many IDs today (See 0233,0245 and Figs 4,5).

18. As per claim 8: Brundage discloses a method of claim 1, with an 2D imager that has a UV board connected to it and has a firmware command that can be sent back to the 2D imager by a host device to turn on that UV led board for what ever duration of time set forth in the software application. The UV board can also be set so it is always on (See 0233,0245 and Figs 4,5).

19. As per claim 12: Brundage discloses a method wherein the display screen of the host device will also tell the end user to "CHECK UV SECURITY"(See 0233-0234,0245 and Figs 4,5)

20. As per claim 13: Brundage discloses a method wherein the host device is capable after information sent to it by the UV2D reader, mag strip reader or smart card reader to calculate a person's age and transmit any pertinent information on the ID to the display screen of the host terminal (See 0233,0245 and Figs 4,5).

21. As per claim 14: Brundage discloses a method of validating a ID described in claim 1, a license for example is placed on the 2D Imagers lip and the reader is set in presentation mode which enables it to only turn on when it see a code or better yet a number of edges to tell the Imager to trip and read the code that has been presented to it. Then is sent to the host device where it is interpreted and the data is displayed on the host display screen with whatever pertinent information the end user wants to display. If the data being read matches the data that has been set up in storage of the host device to trigger the signal then the UV LED board will turn on (See 0233,0245 and Figs 4,5).

### ***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fikremariam Yalew whose telephone number is 5712723852. The examiner can normally be reached on 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moazzami Nasser can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fikremarima Yalew  
09/07/2007  
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